

1 H. STAN JOHNSON (SBN 0265)
STEVEN B. COHEN (SBN 2327)
2 COHEN JOHNSON LLC
375 E. Warm Springs Road, Suite 104
3 Las Vegas, NV 89119
T: 702.823.3500
4 F: 702.823.3400
Email: sjohnson@cohenjohnson.com
5 Email: scohen@cohenjohnson.com

6 COLBY B. SPRINGER (admitted *pro hac vice*)
MIYA YUSA (admitted *pro hac vice*)
7 MELENIE VAN (admitted *pro hac vice*)
POLSINELLI LLP
8 Three Embarcadero Center, Suite 2400
San Francisco, CA 94111
9 T: 415.248.2100
F: 415.248.2101
10 Email: cspringer@polsinelli.com
Email: myusa@polsinelli.com
11 Email: mvan@polsinelli.com

12 MICHAEL P. DULIN (admitted *pro hac vice*)
POLSINELLI PC
13 1401 Lawrence Street, Suite 2300
Denver, CO 80202
14 T: 303.572.9300
F: 303.572.7883
15 Email: mdulin@polsinelli.com

16 IN THE UNITED STATES DISTRICT COURT

17 FOR THE DISTRICT OF NEVADA

18
19 IMAGEKEEPER, LLC, a Nevada limited
liability Company,

20 Plaintiff,

21 v.

22 WRIGHT NATIONAL FLOOD
INSURANCE SERVICES, LLC, a
23 Delaware limited liability Company, and
EVOKE TECHNOLOGIES PRIVATE
24 LIMITED, an Ohio foreign corporation,

25 Defendants.
26
27
28

Case No. 2:20-cv-01470-GMN-VCF

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER REQUESTING TO
AMEND THE SCHEDULING ORDER**

1 Pursuant to Civil Local Rules IA 6-1 and 7-1, Plaintiff ImageKeeper, LLC (“Plaintiff” or
2 “ImageKeeper”) and Defendants Wright National Flood Insurance Services, LLC (“Wright
3 Flood”) and Evoke Technologies Private Limited (“Evoke”) (collectively the “Parties”) hereby
4 stipulate and respectfully request to amend the Scheduling Order (ECF. 186) in this matter.

5 The Parties are currently taking depositions of fact witnesses, which include the
6 principals of Plaintiff in Las Vegas, Nevada on February 22 and 23, 2022. Fact depositions will
7 continue with Defendant Wright Flood witnesses in the Tampa, Florida, area commencing the
8 week of March 7, 2022. The depositions of Defendant Evoke are not expected to occur until late
9 March 2022. A subpoenaed non-party / third-party witness will not be available until late March
10 and following production of related documents. The depositions are occurring in good faith and
11 subject to the availability of counsel and witnesses, which are negotiated amongst three parties
12 versus the ‘traditional’ two. The parties are also taking depositions in person, which
13 encompasses travel and other logistical arrangements.

14 In addition, the parties document production continues. Defendant Evoke has indicated
15 that it anticipates producing approximately 10,000 documents in the late February and early
16 March time frame. Plaintiff ImageKeeper produced 2,389 documents on February 1, 2022. And
17 Defendant Wright Flood produced 20 additional documents on February 22, 2022. The Parties
18 are making these productions in good faith and without the need for adversarial motion practice.

19 The current schedule anticipates a pre-trial order but for the submission of motions for
20 summary judgment. At least one summary judgment motion will be lodged by at least one party
21 in the action. The lodging of a motion for summary judgment will moot the currently scheduled
22 pre-trial order and related conference deadlines pursuant to the local rules.

23 Given (a) any active deadlines will effectively be removed from the Court’s calendar by
24 virtue of one or more motions for summary judgment by one or more of the parties, (b) the need
25 to complete the review of ongoing document productions, (c) the need to complete third-party
26 discovery with professional courtesies typically extended to non-party / third-parties, and (d) the
27 need to complete depositions of fact, third-party witnesses, and ultimately expert witnesses
28 before the next current deadline (issuance of opening Expert Reports on March 22, 2022), the

Parties request an amendment to the schedule as set forth below. This amendment is sought jointly, for good cause, and to allow for the orderly progression of the current action. No unnecessary delay is at issue.

The Parties have previously requested an amendment to the scheduling order on March 15, 2021. The Court entered the Scheduling Order on March 16, 2021 (ECF. No. 141 at 15). The Court modified the scheduling order on October 12, 2021 (ECF. No. 175). The Parties requested another amendment to the scheduling order on December 1, 2021. The Court entered the amended Scheduling Order on December 3, 2021 (ECF. No. 186).

WHEREFORE, in accordance with Civil L.R. IA 6-1 and 7-1, the undersigned parties respectfully request that the Court approve the present stipulation as follows:

ACTION ITEM	OLD DEADLINE (ECF NO. 186)	NEW DEADLINE REQUESTED
Discovery Cut-Off Date LR 26-1(b)(1)	June 13, 2022	August 12, 2022
Opening Expert Report LR 26-1(b)(3)	March 22, 2022	May 21, 2022
Rebuttal-Expert Report LR 26-1(b)(3)	May 23, 2022	July 22, 2022
Dispositive Motions LR 26-1(b)(4)	July 20, 2022	September 19, 2022 ¹

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

¹ The Court's decision on one or more summary judgment motions will then trigger the setting of a new pre-trial conference order in accordance with the local rules.

1 Dated: February 25, 2022

Respectfully Submitted,

2
3 /s/ Colby B. Springer


4 By: H. Stan Johnson (SBN 0265)
5 Steven B. Cohen (SBN 2327)
6 COHEN-JOHNSON LLC
7 375 E. Warm Springs Road, Suite 104
8 Las Vegas, NV 89119
9 T: 702.823.3500
10 F: 702.823.3400
11 Email: sjohnson@cohenjohnson.com
12 Email: scohen@cohenjohnson.com

13 Colby B. Springer (Admitted *Pro Hac Vice*)
14 Miya Yusa (Admitted *Pro Hac Vice*)
15 Melenie Van (Admitted *Pro Hac Vice*)
16 POLSINELLI LLP
17 Three Embarcadero Center, Suite 2400
18 San Francisco, CA 94111
19 T: 415.248.2100
20 F: 415.248.2101
21 Email: cspringer@polsinelli.com
22 Email: myusa@polsinelli.com
23 Email: mvan@polsinelli.com

24 Michael P. Dulin (Admitted *Pro Hac Vice*)
25 POLSINELLI PC
26 1401 Lawrence Street, Suite 2300
27 Denver, CO 80202
28 T: 303.572.9300
F: 303.572.7883
Email: mdulin@polsinelli.com

Attorneys for Plaintiff
IMAGEKEEPER, LLC

IT IS SO ORDERED.

24
25 

26 Cam Ferencbach
27 United States Magistrate Judge

28 DATED 3-1-2022

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

/s/ Terry W. Ahearn

By: Terry W. Ahearn (*Admitted Pro Hac Vice*)
twahearn@duanemorris.com
D. Stuart Bartow (*Admitted Pro Hac Vice*)
dsbartow@duanemorris.com
DUANE MORRIS LLP
2475 Hanover Street
Palo Alto, CA 94304-1194
T: 650-847-4150

Dominica C. Anderson (NSB #2988)
dcanderson@uanemorris.com
Daniel B. Heidtke (NSB #12975)
dbheidtke@duanemorris.com
DUANE MORRIS LLP
100 N. City Parkway, Ste. 1560
Las Vegas, NV 89106-4617
T: 702-868-2600
F: 702-385-6862

Attorneys for Defendant
**WRIGHT NATIONAL FLOOD
INSURANCE SERVICES, LLC**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

/s/ Glenn F. Meier

By: Donald L. Prunty (NSB #008230)
pruntyd@gtlaw.com
Glenn F. Meier (NSB #006950)
meierg@gtlaw.com
Bethany L. Rabe (NSB #011691)
rabe@gtlaw.com
GREENBERG TRAUIG, LLP
10845 Griffith Peak Drive, Ste. 600
Las Vegas, Nevada 89135
T: 702-792-3775
F: 702-792-9002

F. Christopher Austin (NBN 006559)
caustin@weidemiller.com
WEIDE & MILLER, LTD.
10655 Park Run Drive, Ste. 100
Las Vegas, NV 89144
T: 702-382-4804

Attorneys for Defendant
EVOKE TECHNOLOGIES PRIVATE
LIMITED

CERTIFICATE OF SERVICE

I am a citizen of the United States and resident of the State of California. I am over the age of eighteen years and not a party to the within action. My business address is Polsinelli LLP, Three Embarcadero Center, Suite 2400, San Francisco, CA 94111. I am employed in the office of a member of the bar of this Court, at whose direction the service was made.

On February 25, 2022, I served the following document (s) in the manner described below:

• **JOINT STIPULATION AND [PROPOSED] ORDER REQUESTING TO AMEND THE SCHEDULING ORDER**

☒ **BY ELECTRONIC SERVICE:** By electronically mailing a true and correct copy through Polsinelli LLP's electronic mail system to the email addresses set forth below.

Dominica C. Anderson
dcanderson@duanemorris.com
Daniel B. Heidtke
dbheidtke@duanemorris.com
DUANE MORRIS LLP
100 N. City Parkway, Ste. 1560
Las Vegas, NV 89106-4617
T: 702.868.2600
F: 702.385.6862

Terry W. Ahearn
D. Stuart Bartow
DUANE MORRIS LLP
2475 Hanover Street
Palo Alto, CA 94304-1194
Email: twahearn@duanemorris.com
Email: dsbartow@duanemorris.com

**ATTORNEYS FOR DEFENDANT
WRIGHT NATIONAL FLOOD
INSURANCE SERVICES, LLC**

F. Christopher Austin
caustin@weidemiller.com
WEIDE & MILLER, LTD.
10655 Park Run Drive, Ste. 100
Las Vegas, NV 89144
T: 702-382-4804
F: 702-382-4805

Donald L. Prunty (NBN 8230)
Bethany L. Rabe (NBN 11691)
Glenn F. Meier (NBN 006950)
GREENBERG TRAURIG, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
Tel: 702-792-3773
Fax: 702-792-9002
Email: pruntyd@gtlaw.com
Email: rabe@gtlaw.com
Email: meierg@gtlaw.com

**ATTORNEYS FOR DEFENDANT
EVOKE TECHNOLOGIES PRIVATE
LIMITED**

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct. Executed on February 25, 2022, at San Francisco, California.
3
4

5 By: /s/ Catherine Schmitz
6 Catherine Schmitz
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28